IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 4116 of 2006()

CRA.45/2004 of ADDL. SESSIONS COURT (ADHOC) FAST TRACK III, PALAKKAD
ST.259/2000 of CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD

REVN. PETITIONER: APPELLANT/ACCUSED

K.P.RADHAKRISHNAN,
S/O.PONNAN, AGED 48 YEARS,
KUNDUKATTIL HOUSE,
AKATHETHARA, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS: RESPONDENTS: COMPLAINANT AND STATE

1. K.K.RAMANKUTTY (DIED),
REP. BY HIS WIFE AND LEGAL HEIR KALPAKAVALLI,
AGED 55 YEARS, RESIDING AT SREE GEETHALAYAM,
NEAR CHITRA THEATRE, AKATHETHARA, PALAKKAD.

2. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

KALPAKAVALLI, W/O.LATE K.K.RAMANKUTTY, AGED 55 YEARS,
HOUSEWIFE, RESIDING AT "SREE GEETHALAYAM",
NEAR CHITRA THEATRE, AKATHETHARA,
PALAKKAD TALUK, PALAKKAD DISTRICT, THE LEGAL
HEIR OF THE DECEASED FIRST RESPONDENT IS ARRAYED AS
THE FIRST RESPONDENT AS PER ORDER DATED 24/11/2006 IN
CRL.M.APPL.NO.11838 OF 2006.

R1 BY ADV. SRI.G.G.MANOJ
R2 BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4116 OF 2006

Dated this the 24th day of November,2006

O R D E R

The petitioner, accused in S.T.No.259 of 2000, on the file of the Court of the Chief Judicial Magistrate, Palakkad, was found guilty for the offence under Section 138 of the Negotiable Instruments Act and was convicted and sentenced to undergo simple imprisonment for four months and to pay a sum of Rs.60,000/- as compensation under Section 357(3) of the Code of Criminal Procedure. The petitioner challenged the conviction and sentence in appeal. The Appellate Court modified the sentence of imprisonment and reduced the same to simple imprisonment for fifteen days. The direction to pay compensation was confirmed.

2. Crl.M.Appl.No.11837 of 2006 was filed by the widow of since deceased complainant and the

revision petitioner/accused. That application was allowed.

In the result, the Criminal Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

CRL.M.APPL.NO. 11837 OF 2006

Dated this the 24th day of November,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the complainant/first respondent and the accused/revision petitioner and their counsel. It is stated in the affidavit accompanying Crl.M.A.No.11838 of 2006 that the complainant Ramankutty died and he is survived by his widow and three children. The daughter is married and settled at Coimbatore. Sons are employed at Kolhapur, Maharashtra. The widow has now signed the petition for compounding and it is stated that she has received the amount covered by the cheque and that she has no grievance against the revision petitioner/accused. The application for compounding is allowed.

(K.T.SANKARAN)
Judge

ahz/